



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

CN# 20-10, SFSP CN# 07-09
SP 42-2009, SFSP 08-2009

MEMORANDUM

To: Summer Food Service Program Sponsors

From: Mary Szafranski, Deputy Associate Superintendent
Health & Nutrition Services Unit

Original Signed

Lynn Ladd, Director
School Health & Nutrition Programs Department

Date: October 16, 2009

RE: Additional Questions & Answers for School Closings for H1N1 Outbreaks

As stated in the previously released memorandum (SFSP CN# 04-09, CN# 08-10, School Closings for H1N1 Outbreaks: Questions and Answers, August 21, 2009), local educational agencies (LEAs) and community organizations (COs) may offer reimbursable meals under the Summer Food Service Program (SFSP) to children enrolled in schools that are dismissed as a result of a public health emergency related to an H1N1 outbreak. This memorandum addresses additional questions that were received by the United States Department of Agriculture (USDA) in relation to serving meals under the SFSP H1N1 authority. Questions answered in the previous memorandum (mentioned above) are included in this memorandum. No changes were made to previously issued questions and answers.

LEAs and COs who are interested in serving SFSP meals during an H1N1-related school closure should reference the previous memorandum (mentioned above) for the approval process.

LEAs and COs should contact their local county health department for more information relating to the H1N1 influenza virus and/or information regarding an H1N1-related school closure.

If you have questions or concerns regarding this memo, please contact your School Health & Nutrition Specialist at 602-542-8700.

Questions and Answers: Responding to School Dismissals for H1N1 Outbreaks Edition #2

Schools participating in the National School Lunch and/or School Breakfast Programs may be dismissed or closed following declaration of a public health emergency under section 319 of the Public Health Service Act. For children enrolled in those schools, reimbursable meals may be offered by schools and other eligible community organizations under a modified Summer Food Service Program (SFSP) as set forth in SFSP CN# 04-09 and CN# 08-10. Please note that this flexibility is being provided for H1N1-related school dismissals or closures only. It is not authorized for any other situation.

Please note, a school closure means closing the school and sending all the students and staff home. In a school dismissal, the school may stay open for staff while the children stay home. In this guidance, the term dismissal is used to refer to schools that are either closed or at which all students are dismissed.

The questions and answers below provide additional information regarding how these programs may operate in order to assist low-income children during such school dismissals. Questions marked with an asterisk (*) were answered in a previous memorandum (SFSP CN# 04-09, CN# 08-10, School Closings for H1N1 Outbreaks: Questions and Answers, August 21, 2009). No changes were made to previously issued questions and answers.

GENERAL

1. *Which requirements for operating the SFSP are waived for H1N1-related school dismissals?

The Arizona Department of Education (ADE) may waive the requirement that meals be served and consumed in a congregate setting, to support social distancing measures necessary during these outbreaks. ADE may also waive any pre-operational training and monitoring requirements. Limiting the operation of the Seamless or Simplified SFSP during an unexpected school closure during the school year to non-school sites is also waived for these circumstances. Requests to waive other operational requirements applicable to provide meals during an H1N1 related closure will be considered on a case-by-case basis and will be forwarded by ADE to Food & Nutrition Services (FNS) Western Region Office (WRO) for approval.

2. *What entities are eligible to operate the Seamless or Simplified SFSP during H1N1-related school dismissals?

Any LEA or community organization otherwise eligible to operate the Seamless or Simplified SFSP and which has an approved Food Program Permanent Service Agreement (FPPSA) with ADE to operate the Seamless or Simplified SFSP may participate. The FPPSA with ADE may be an existing agreement under which the LEA or community organization currently operates the Seamless or Simplified SFSP, or it may be an agreement entered into specifically to operate the Seamless or Simplified SFSP in the event of possible school closures in the coming school year. These agreements should be submitted to ADE at the same time waiver requests are submitted (see question #3 below). A representative of the LEA or community organization should also

have SFSP access to Common Logon/CNP Web in order to fulfill the requirements of participation.

3. *How does an LEA or CO initiate participation under the SFSP H1N1 authority?

The LEA or community organization must submit a waiver request to ADE. Please see question #12 below for required components of the waiver request. In order to assure a prompt response to school closings, LEAs and community organizations are encouraged to work with ADE to develop their waiver request prior to a H1N1-related school closing. The SFSP online application should only be submitted in the event of an actual school closure. It is important to note that while multiple organizations in a community may work to respond to H1N1 related closures, ADE may not approve waiver requests which would duplicate coverage.

4. Is it mandatory that meals be provided during a school dismissal?

No. However, LEAs and COs are encouraged to ensure that the needs of low-income students are met during extended school dismissals relating to an H1N1 outbreak.

5. Can an LEA operate the SFSP only during an H1N1 outbreak and not during the summer?

Yes, although we would strongly encourage LEAs to serve low-income children during the summer if they have eligible sites. At any time the LEA or CO operates, it must have an agreement with ADE in order to receive reimbursement.

6. Are Child and Adult Care Food Program (CACFP) participants eligible to participate in the H1N1 waiver?

The SFSP H1N1 waiver is targeted to children who attend schools that have been dismissed due to H1N1. However, meals may be served to all children 18 and under in the household if at least one child attends the dismissed school. If a child care center that participates in the CACFP is located in a dismissed school, students enrolled in that center are eligible for meals provided to children attending the dismissed school.

7. Can we serve parents and other adults in the community if they pay for the meal? What should we do about providing meals to nurses and other health care providers who may be providing vaccines to the public?

If the LEA or CO is implementing a pick up meal distribution method and has the capacity to provide meals to adults, they may do so but will not be reimbursed for those meals. Meals delivered to the home may be provided only for children in the family who are 18 and under. Additionally, we encourage you to work with your community to identify resources to address the needs of low-income parents, as well as individuals who are preparing meals, giving vaccinations, or otherwise supporting efforts to combat the H1N1 virus.

8. If schools are not dismissed but a number of children contract H1N1 and are absent, may LEAs or COs provide meals to these children?

No. The SFSP H1N1 waiver may be implemented only if the entire school is dismissed, i.e., all students are out of school.

WAIVER IMPLEMENTATION

9. From what level does the public health emergency declaration need to come in order to implement the H1N1 waiver? For example, does the local/State health department have to declare an H1N1 public health emergency in order for schools to operate under the H1N1 waiver? Or is the declaration made at the Federal level?

United States Department of Health and Human Services Secretary Kathleen Sebelius has already declared that a nationwide public health emergency exists involving H1N1 (see www.hhs.gov/secretary/phe_swh1n1.html) under the authority of Section 319 of the Public Health Service Act. Therefore, the H1N1 waiver may now be implemented if a school is dismissed by local authorities based on conditions at the local level. LEAs must follow the steps provided in SFSP CN# 04-09 and CN #08-10 in order to participate in the SFSP during an H1N1-related school closure.

10. Who confirms that a school dismissal is for H1N1 instead of seasonal flu?

Decisions regarding school dismissals are made at the State or local level. Therefore, the State or local public health department or other designated officials would be responsible for determining whether the dismissal is related to H1N1 or seasonal flu.

11. Is the start date of the SFSP H1N1 waiver left up to the LEA?

In consultation with ADE, school district administration, and State/local public health officials, the LEA determines when to begin serving meals under the SFSP H1N1 authority once a school is dismissed. LEA's may decide whether to provide meal service immediately when schools are dismissed or delay implementation. We would encourage meal service to begin as soon as possible.

12. *What components are required as part of a waiver request?

The waiver request should address how the LEA or eligible community organization will operate the Seamless or Simplified SFSP during an H1N1-related closure. At a minimum, the waiver request should address:

- Name of school(s) covered by waiver request;
- At what point after the declaration of a public health emergency and school closure would the meal service start;
- What meal distribution method(s) the institution will use and how the program will be operated to target the children in the closed schools (see question #25);
- How the meal distribution will target low-income children, including children that may not have free or reduced price eligibility information readily available (i.e. children new to the LEA) if the school does not have 50 percent or more free or reduced price eligible children enrolled;
- Methods for communicating with families; and
- How the LEA or community organization will ensure proper operation of the program including meal content, meal counts, food safety, oversight, etc.

ADE may require additional information if necessary, to determine the appropriateness and feasibility of the response. The waiver requests are subject to ADE approval. Once approved,

LEAs and community organizations must notify ADE and submit SFSP online applications before they activate the waiver. A template for the waiver request has been posted to the following web address: www.ade.az.gov/health-safety/cnp/sfp/Operating/How2Apply/Default.asp.

13. Are waiver requests made after schools have been dismissed or can schools do it in advance?

In conjunction with ADE, LEAs and COs are encouraged to develop and submit waiver requests for approval to operate the SFSP before the need for a school dismissal arises. Once approval is granted by ADE, the LEA or CO will only activate the waiver when an actual H1N1-related dismissal is declared.

14. The following are required in the SFSP: media release, notification to the health department, pre-award compliance, health inspection certification, and budget. May these be waived under the H1N1 authority?

The only SFSP requirements waived under the H1N1 authority are those relating to serving meals in a congregate setting and pre-operational training and monitoring. Otherwise, the SFSP will generally operate as it does during the summer months. LEAs/COs may request a waiver for these and other operational requirements, which will be considered on a case-by-case basis.

15. The SFSP establishes time frames for serving breakfast, lunch, and supper. Can this requirement be waived and could this be a “standard” waiver, like waiving congregate feeding?

This requirement may be waived with ADE approval in order to accommodate meal distribution systems that would provide more than one meal to children. For example, an LEA or CO could have a daily distribution at which both breakfast and lunch are provided.

16. Is one waiver request sufficient per LEA/CO or would each scenario need to be addressed ahead of time?

Only one waiver request per LEA or CO is required. To the extent possible, the request should address whatever methods and procedures would be implemented for any potential site. The request may include various responses based on specific sites or scenarios.

17. May meals be served on weekends and holidays (e.g., Thanksgiving)?

LEAs and COs may be approved by ADE to provide meals on weekends and holidays, if appropriate for the local circumstances.

18. How would the H1N1 waiver operate in year around schools when the dismissal period would include a period when the SFSP was normally scheduled to operate?

Even if a school had scheduled operation of the SFSP during a planned break, it would need to operate under the H1N1 authority because of the need for social distancing.

MEAL DISTRIBUTION AND ELIGIBILITY

19. *Who is eligible to receive meals?

All children, ages 18 and under, who reside in a household where at least one child in the household is enrolled in the closed school are eligible to receive meals.

20. *How do SFSP site eligibility requirements apply to H1N1 meal service? Must all schools served be in low-income areas?

The primary goal of meal service offered during an H1N1-related school closure is to address the loss of school meals for the low-income children enrolled in the closed schools. In general, Seamless or Simplified SFSP site eligibility requirements apply, with modifications to address the unique circumstances of these school closings. As discussed below, the determination of site eligibility is based not on the location of the site, but rather on the closed school's population. For closed schools with 50 percent or more of their enrolled students certified eligible for free or reduced price meals, LEA's may develop meal distribution methods in which meals are available to all families with children enrolled in that school, with a focus on serving low-income children. For closed schools with less than 50 percent of their enrolled students certified eligible for free or reduced price meals, meal distribution methods must more directly target the households of enrolled children who are eligible for free or reduced price meals. Schools should use current free/reduced price certification information or, if the school closure occurs during the first 30 operating days, it may be necessary to utilize prior year eligibility certifications.

21. May schools with less than 50 percent of children eligible for free or reduced price meals serve paid children as long as they target children eligible for free and reduced price meals? If so, would their meals be claimed at the free rate?

Yes. Although the purpose of this effort is to ensure that low-income children who would normally receive free or reduced price school meals have access to nutritious meals during school dismissals, children that normally pay full price for their school meals may be served as long as the plan developed by the LEA or CO targets low-income children. We do not expect that any children attending the affected schools and who come forward to receive meals would be turned away. In fact, it could be that children who do not receive free or reduced price meals are in need during a pandemic if parents are unable to work due to business closures or because of the need to provide child care. This waiver would provide a timely resource to those families that would not necessarily be needed during normal school operation. Meals provided to children who are classified as paid under the NSLP would be reimbursed at the free rate under the Seamless SFSP or at the applicable Simplified SFSP rate.

22. Are private schools that normally participate in the NSLP covered by this waiver?

Yes. Private schools that participate in NSLP are eligible to enter into an agreement for meal service during H1N1-related dismissals. Because they are LEAs, they may operate either the Seamless or Simplified SFSP.

23. *May meals be provided to siblings who may not be in school or who do not attend the dismissed school?

Yes, if a household has a child enrolled in the closed school, all children age 18 and under in that household may be served.

24. How many meals per child may be offered each day? May supper be provided? Can meals be distributed for more than one day?

The maximum number of meals that may be offered remains the same as under the SFSP: up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper. ADE may approve a distribution approach that includes meals for multiple days. ADE will consider the capacity of the LEA or CO to execute such an approach effectively, including meeting food safety requirements.

25. *What distribution methods are envisioned for H1N1 meal service, and what logistical issues need to be considered?

ADE anticipates the meal distribution methods will be either pick-up or delivery models in order to meet the need for social distancing during an H1N1 outbreak. All methods should focus on targeting a closed school's low-income children, using the free and reduced price certification information available in each LEA. The logistical issues are numerous and further support the need for ADE, LEAs, and community organizations to begin planning immediately.

26. If the parent of a child eligible for the H1N1 meal distribution does not have transportation, is there a plan for alternate meal delivery?

As noted above, the LEA or CO determines the method or methods it wishes to use to distribute meals. If the LEA or CO determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with ADE approval.

27. *Can a parent/caregiver of a child enrolled in the dismissed school pick up meals for all of the children in the household?

Yes. As long as the meal distribution site has a way to verify that the adult picking up meals has an enrolled child in the closed school, this would be permissible. This arrangement should be described in the LEA's waiver request.

28. If a family has children in multiple schools, some of which are dismissed and some of which are open, will the waiver request have to allow for providing meals only to the children that attend the dismissed schools to ensure no service of second meals?

The waiver requests need to focus on children enrolled in dismissed schools, but other children in the household may also be served.

ACCOUNTABILITY

29. Will NSLP edit checks be waived for these meals provided under the SFSP H1N1 authority?

ADE's claiming system on CNP Web performs basic edit checks during the claim submission process; therefore, ADE is not requiring LEAs or COs to conduct site level NSLP daily edit checks.

30. How should LEAs or COs count the additional children in the household that are not enrolled in the dismissed schools but are provided with meals?

At a minimum, the number of meals distributed must be recorded. ADE may require additional information if deemed necessary.

31. Will there be any separate reporting requirements for meals served to children under the SFSP H1N1 waiver or will the standard meal count reporting procedures apply?

Separate meal counts and other meal documentation records must be maintained for meals served under an H1N1 waiver. To receive reimbursement, total meals must be reported to ADE for submission to FNS. All of the meals for H1N1 dismissals will be claimed and reimbursed at the free NSLP rates or the applicable Simplified SFSP rate. Claims for meals served under the H1N1 waiver will be submitted via the SFSP Claims Index on CNP Web, following regular SFSP claiming procedures.

32. An LEA plans to check students' names off of a roster when meals are picked up. If an individual picking up meals requests meals for other children in the household, is the LEA required to record the names of the other children receiving meals or simply record that additional meals were provided to the household in which the enrolled child resides?

ADE does require that LEAs retain some type of meal count by student to ensure that at least one of the children residing in the household is enrolled in the closed school. If additional meals are requested for other children in the household, the LEA can provide those meals as well and claim them at the free rate. Because all meals are claimed free at all sites, the LEA is not required to track the additional meals by the household requesting them. However, the LEA should have some method to document additional children served and avoid duplication so that meals for a given family are not provided twice. Whatever method is used, it is important that a record of the meals provided be maintained.

33. Do you have any suggestions for how a school with less than 50 percent free and reduced price eligibility can target low-income children without overtly identifying those children as eligible for free or reduced price meals?

This will depend in large part on how the LEA or CO intends to provide meals. The waiver request should describe their method of meal distribution. While meal service must be targeted to children eligible for free or reduced price meals, that does not preclude the service of some meals to paid children. LEAs and COs may look to their summer feeding plans as a means of targeting low income children without overt identification. For example, meal distribution sites might be located in areas that are easily accessible to low income children while avoiding identification of individual children as low income.

COUNTING AND CLAIMING MEALS

34. How will Provision 2 and Provision 3 schools be handled?

Because all provision 2 and 3 schools have a high percentage of children eligible for free and reduced price meals, they may develop waiver requests that make meals available to all enrolled students when the school is dismissed.

35. If an LEA is doing a base year for Provision 2 or Provision 3, how would this be handled?

We do not anticipate that schools will be dismissed for extended time periods. The LEA should notify and work with ADE if a school dismissal occurs when applications for a base year are being collected.

36. Under the Simplified SFSP, a child could get a second meal if he/she was still hungry. Is that still applicable as part of this plan?

No. Second meals may not be served under H1N1 authority.

37. For those dismissed schools where less than 50 percent of the children are eligible for free and reduced price meals may we collect the co-pay for reduced price meals?

No. Meals are reimbursed at the free rate for the Seamless SFSP and the applicable Simplified SFSP rate. No payment may be collected from students.

38. Will there be a maximum number of meals that may be claimed by an affected area?

COs operating the SFSP may serve up to 300 children at an approved meal service out of any one site. ADE may grant a waiver to allow COs to serve up to 500 children served out of any one site. There is no maximum total number of meals for LEAs operating the SFSP that can be claimed in an area.

MEAL CONTENTS

39. *What are the requirements for the meals?

The meals must meet the regular menu planning requirements of the Seamless or Simplified SFSP. LEAs or COs may find it easier to use food based menu planning and provide the maximum portion size, rather than trying to provide meals based on the various ages of the children served. Offer versus serve (OVS) will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used. All meal documentation, such as production records, daily menus, daily meal counts, etc., are still required while operating the Simplified or Seamless SFSP during an H1N1-related school closure to be in compliance.

40. Will a variety of fat contents in milk still be required?

No, only one type of milk fat content will be required.

41. If there is a shortage of shelf-stable milk, may the milk requirement be waived?

We expect that all required components of a meal be provided, including milk. We encourage LEAs and COs to make plans to have shelf-stable milk on hand for this purpose, to the extent that is possible. If we encounter a situation in which milk availability becomes an issue, FNS will work with ADE to provide the needed flexibility.

42. Are we required to accommodate documented special needs?

Yes. This should be addressed in the LEA or CO's waiver request.

ALLOWABLE COSTS/AVAILABLE FUNDS

43. *At what rates will the meals be reimbursed?

Programs operating under the Seamless SFSP will be reimbursed at the applicable free meal rate for school meal programs. Programs operating under Simplified SFSP will be reimbursed at the appropriate rural/self-prep or urban/vended rates. Keep in mind that the reimbursements are provided on a per meal basis and no additional Federal funds, i.e. start-up or administrative funds, will be provided for this effort.

44. *When operating under an H1N1 waiver, what types of expenses may be paid from the nonprofit school food service account?

Schools may pay any allowable cost from the non-profit school food service account including any equipment or supplies that may be needed to hold and distribute meals, costs related to meal distribution, and staff wages to prepare and distribute meals. Public or private non-profit organizations operating under the Simplified SFSP are not required to have a separate non-profit food service account, but all regular Simplified SFSP requirements related to allowable costs and recordkeeping will apply.

45. Will security at food delivery sites be reimbursed?

Security is an allowable cost that may be paid from the reimbursement provided or from other funds from the nonprofit school food service account.

46. Will there be an increased reimbursement to offset the cost of shelf stable products?

No.

47. Will there be any additional administrative funds allocated for LEAs or COs operating under an H1N1 waiver?

No. Reimbursements are provided on a per meal basis and are expected to help cover both administrative and operating expenses.

48. Can LEAs and COs request an advance for operating under a SFSP H1N1 waiver?

With State agency approval, operating advances may be provided.